

Sixth Appellate District

San Jose, California

MONDAY, FEBRUARY 9, 2004

H024757 PEOPLE v. LITTLE

The judgment is reversed, and the matter is remanded to the trial court for possible retrial of the charge under Health and Safety Code section 11550. If, within 30 days of the filing of the remittitur the district attorney elects not to retry the charge, then the court shall resentence defendant and enter a new judgment. (published)

(Wunderlich, J.; We concur: Elia, Acting P.J., Mihara, J.)

Filed February 9, 2004

H025440 PEOPLE v. AGURO

The judgment is affirmed. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)

Filed February 9, 2004

H025856 PEOPLE v. McCARTY

The trial court is ordered to amend the abstract of judgment to reflect a \$50 drug program fee. The trial court is ordered to send a copy of that amended abstract of judgment to the Department of Corrections. As so modified, the judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed February 9, 2004

TUESDAY, FEBRUARY 10, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H025190 PEOPLE v. BRACKETT

Cause called and argued by Lora F. Martin appearing for Appellant and by Margo J. Yu, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025761 PEOPLE v. DIAZ

Cause called and argued by Mitri Hanania appearing for Appellant and by Bridget Billeter, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Tuesday, February 10, 2004 (continued)

H025490 VARTANIAN v. INTEL CORPORATION

Cause called and argued by Michael Vartanian, appellant appearing in pro per, and by Michael W. Foster appearing for Respondent. Cause ordered submitted.

H025999 MUNOZ, et al. v. FARMERS INSURANCE EXCHANGE, et al.

Cause called and argued by David Pirrone appearing for Appellants and by Lee J. Danforth appearing for Respondents. Cause ordered submitted.

H024991 TORRES v. FERNANDEZ

Cause called and argued by Christopher G. Smith appearing for Appellant and by Terry G. Rockwood appearing for Respondent. Cause ordered submitted.

H025401 DENEVI v. LGCC, et al.

Cause called and argued by Gary L. Simms appearing for Appellant and by John R. Reese appearing for Respondents. Cause ordered submitted. Court is in recess.

H025684 PEOPLE v. RHINES

The judgment is reversed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 10, 2004

H025084 PEOPLE v. SALAZAR

The judgment is affirmed. (not published)
(Mihara, J.; We concur: Elia, Acting P.J., Wunderlich, J.)
Filed February 10, 2004

H022070 PEOPLE v. LAIWALA

The judgment is reversed due to the insufficiency of the evidence. The trial court is directed to enter a verdict of not guilty. (published)
(Mihara, J.; I concur: Bamattre-Manoukian, J.; concurring opinion by: Rushing, P.J.)
Filed February 10, 2004

Sixth Appellate District

San Jose, California

Tuesday, February 10, 2004 (continued)

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Wunderlich, J.; Mihara, J.; and R. W. Norvelle, Deputy Clerk.

H024877 BENNETT, et al. v. TRUTTMAN, et al.

Cause called and argued by Matthew Coleman appearing for Appellants and by Jeffrey Lochner appearing for Respondents. Cause ordered submitted.

Wunderlich, J. and Mihara, J. leave the bench and Premo, J. and McAdams, J. take the bench.

H025987 PEOPLE v. ORABEUNA

Cause called and argued by Kathleen Novoa appearing for Appellant and by Jill M. Thayer, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025544 PEOPLE v. VALTIERRA

Cause called and argued by Pamela Saysane appearing for Appellant and by Ronald E. Niver, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025592 BREWER v. SWAN MAGNETICS

Cause called and argued by Louis Spitters appearing for Appellant and by Leo P. Cunningham appearing for Respondent. Cause ordered submitted. Court adjourns.

WEDNESDAY, FEBRUARY 11, 2004

H025682 PEOPLE v. DAVALOS

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 11, 2004

H026207 PEOPLE v. PETER L.

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 11, 2004

Sixth Appellate District

San Jose, California

Wednesday, February 11, 2004 (continued)

H025058 PEOPLE v. LUCICH

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 11, 2004

H026214 PEOPLE v. JOHNSON

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated January 13, 2004, is hereby vacated. The court by separate letter issued February 6, 2004, has requested supplemental briefing from the parties.
Dated: February 11, 2004 Bamattre-Manoukian, Acting P.J.

H025795 PEOPLE v. NOBLE

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 11, 2004

H025904 PEOPLE v. SALCIDO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 11, 2004

H026237 FRAZIER v. FRAZIER, et al.

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 11, 2004

H026454 PEOPLE v. CASTILLO

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed February 11, 2004

H024978 PEOPLE v. GONZALES

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 11, 2004

Sixth Appellate District

San Jose, California

Wednesday, February 11, 2004 (continued)

H026635 SANABRIA, et al. v. SUPERIOR COURT

Let a peremptory writ of mandate issue directing respondent court to vacate its order denying petitioners' request for payment of expert witness fees and to enter a new order granting the request for payment of ancillary funds for the reasonable costs of a drug and alcohol expert witness for petitioners and granting a reasonable continuance to allow a sufficient time for petitioners to retain their expert and for the People to review any reports and prepare their case. This opinion is made final immediately as to this court. (Cal. Rules of Court, rule 24(b)(3).) The temporary stay order issued October 31, 2003, is vacated. (not published)

(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed February 11, 2004

FRIDAY, FEBRUARY 13, 2004

H024303 PEOPLE v. TAYLOR

(Filed order modifying opinion.) Respondent's petition for rehearing is denied. There is no change in the judgment. (not published)

(Rushing, P.J.; We concur: Wunderlich, J., Mihara, J.)
Filed February 13, 2004

IN THE MATTER OF THE DESTRUCTION OF COURT RECORDS

By the Court:

This court having been advised by the State Records Center that certain civil records preserved for a period longer than 10 years are eligible for destruction as provided by rule 55 of the California Rules of Court, and good cause appearing, it is hereby ordered that said civil records designated in Records Transfer Lists 38 and 40 and Box 14 of Records Transfer List 36 be scheduled for destruction.

Dated February 13, 2004 RUSHING, P.J.

Sixth Appellate District

San Jose, California

Friday, February 13, 2004 (continued)

H024863 MARRIAGE OF MARTIN and KATZ

By the Court:

Upon it's own motion, to enable the court to adequately consider several issues presented in this matter, it is ordered that the submission order in the above-entitled cause dated December 2, 2003, is hereby vacated. The matter will be placed on calendar for oral argument, counsel to be advised of the date and time.

The cause will be resubmitted upon completion of oral argument.

Dated: February 13, 2004 Bamattre-Manoukian, Acting P.J.